CONSTITUTION

AND

ADDRESS

OF THE

COMMITTEE OF VIGILANCE

OF

SAN FRANCISCO.

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CONSTITUTION.

Whereas, it has become apparent to the citizens of San Francisco, that there is no security for life and property, either under the regulations of society as it at present exists, or under the laws as now administered, and that by the association together of bad characters, our balot-boxes have been stolen, and others substituted or stuffed with votes that where never polled, and thereby our elections nullified—our dearest rights violated, and no other method left by which the will of the people can be manifested:

Therefore, the citizens whose names are hereunto attached, do unite themselves into an association for the maintenance of the peace and good order of society–the prevention and punishment of crime—the preservation of our lives and property, and to ensure that our ballot boxes shall hereafter express the actual and unforged will of the majority of our citizens: and we do bind ourselves each unto the other, by a solemn oath, to do and perform every just and lawful act for the maintenance of law and order, and to sustain the laws when faithfully and properly administered. But we are determined that no thief, burglar, incendiary, assassin, ballot-box stuffer, or other disturbers of the peace, shall escape punishment, either by the quibbles of the law—the insecurity of prisons—the carlessness or corruption of the police, or a laxity of those who pretend to administer justice: and to secure the objects of this association we do hereby agree,

1st. That the name and style of this association shall be the Committee of Vigilance, for the protection of the ballot-box, the lives, liberty and property of the citizens and residents of the City of San Francisco.

2nd. That there shall be rooms for the deliberations of the Committee, at which there shall be some one or more members of the Committee, appointed for that purpose, in constant attendance at all hours of the day and night, to receive the report of any member of the Association, or of any other person or

persons whatsoever, of any act of violence done to the person or property of any citizen of San Francisco; and if, in the judgment of the member or members of the Committee present, it be such an act as justifies or demands the interference of this Committee, either in aiding in the execution of the laws, or the prompt and summary punishment of the offender, the Committee shall be at once assembled for the purpose of taking such action as a majority of them, when assembled, shall determine upon.

3d. That it shall be the duty of any member or members of the Committee on duty at the Committee rooms, whenever a general assemblage of the Committee is deemed necessary, to cause a call to be made in such a manner as shall be found advisable.

4th. That whereas an Executive Committee has been chosen by the General Committee, it shall be the duty of the said Executive Committee to deliberate and act upon all important questions, and decide upon the measures necessary to carry out the objects for which this association was formed.

5th. That whereas this Committee has been organized into sub-divisions, the Executive Committee shall have power to call when they shall so determine, upon a Board of Delegates, to consist of three representatives from each Division, to confer with them upon matters of vital importance.

6th. That all matters of detail and government shall be embraced in a code of By-Laws.

7th. That the action of this body shall be entirely and rigorously free from all consideration of, or participation in the merits or demerits, or opinion or acts, of any and all sects, political parties, or sectional divisions in the community; and every class of orderly citizens, of whatever sect, party or nativity, may become members of this body. No discussion of political, sectional or sectarian subjects shall be allowed in the Rooms of the Association.

8th. That no person accused before this body shall be punished, until after fair and impartial trial and conviction.

9th. That whenever the General Committee have assembled for deliberation, the decision of the majority upon any question that may be submitted to them by the Executive Committee, shall be binding upon the whole: Provided nevertheless, that when the delegates are deliberating upon the punishment to be awarded to any criminals, no vote inflicting the death penalty shall be binding, unless passed by two-thirds of those present and entitled to vote.

10th. That all good citizens shall be eligible for admission to this body, under such regulations as may be prescribed by a Committee on Qualifications; and if any uuworthy persons gain admission, they shall on due proof be expelled. And believing

ourselves to be executors of the will of the majority of onr citizens, we do pledge our sacred honor to defend and sustain each other in carrying out the determined action of this Committee at the hazard of our lives and our fortunes.

33, SECRETARY.

(Seal of the Committee.)

TO THE PEOPLE OF CALIFORNIA.

The Committee of Vigilance, placed in the position they now occupy by the voice and countenance of the vast majority of their fellow-citizens, as executors of their will, desire to define the necessity which has forced this people into their present organization.

Great public emergencies demand prompt and vigorous remedies. The People—long suffering under an organized despotism which has invaded their liberties—squandered their property—usurped their offices of trust and emolument—endangered their lives—prevented the expression of their will through the ballot-box, and corrupted the channels of justice—have now arisen in virtue of their inherent right and power. All political, religious, and sectional differences and issues have given way to the paramount necessity of a thorough and fundamental reform and purification of the social and political body. The voice of a whole people has demanded union and organization as the only means of making our laws effective, and regaining the rights of free speech, free vote, and public safety.

For years they have patiently waited and striven, in a peaceable manner, and in accordance with the forms of Law, to reform the abuses which have made our city a by-word, fraud and violence have foiled every effort, and the laws to which the people looked for protection, while distorted and rendered effete in practice, so as to shield the vile, have been used as a powerful engine to fasten upon us tyranny and misrule.

As Republicans, we looked to the ballot-box as our safeguard and sure remedy. But so effectually and so long was its voice smothered, the votes deposited in it by freemen so entirely out numbered by ballots thrust in through fraud at midnight, or nulified by the false counts of judges and inspectors of elections at noon day, that many doubted whether the majority of the people were not utterly corrupt.

Organized gangs of bad men, of all political parties, or who assumed any particular creed from mercenary and corrupt mo-

tives, have parcelled out our offices among themselves, or sold them to the highest bidders ;

Have provided themselves with convenient tools to obey their nod, as Clerks, Inspectors and Judges of election ;

Have employed bullies and professional fighters to destroy tally-lists by force, and prevent peaceable citizens from ascertaining, in a lawful manner, the true number of votes polled at our elections ;

And have used cunningly contrived ballot-boxes, with false sides and bottoms, so prepared that by means of a spring or slide, spurious tickets, concealed there previous to the election, could be mingled with genuine votes.

Of all this we have the most irrefragable proofs. Felons from other lands and States, and unconvicted criminals equally as bad, have thus controlled public funds and property, and have often amassed sudden fortunes without having done an honest day's work with head or hands. Thus the fair inheritance of our city has been embezzeled and squandered—our streets and wharves are in ruins, and the miserable entailment of an enormous debt will bequeath sorrow and poverty to another generation.

The Jury-box has been tampered with, and our Jury trials have been made to shield the hundreds of murderers whose red hands have cemented this tyranny, and silenced with the Bowie-knife and the pistol, not only the free voice of an indignant press, but the shuddering rebuke of the outraged citizen.

To our shame be it said, that the inhabitants of distant lands already know that corrupt men in office, as well as gamblers, shoulder strikers, and other vile tools of unscrupulous leaders, beat, maim and shoot down with impunity, as well peaceable and unoffending citizens, as those earnest reformers who, at the known hazzard of their lives, and with singleness of heart have sought, in a lawful manner, to thwart schemes of public plunder or to awaken investigation.

Embodied in the principals of republican governments are the truths that the majority should rule, and that when corrupt officials, who have fraudulently seized the reigns of authority, designedly thwart the execution of the laws and avert punishment from the notoriously guilty, the power they usurp reverts back to the people from whom it was wrested.

Realizing these truths, and confident that they were carrying out the will of the vast majority of the citizens of this county, the Committee of Vigilance, under a solemn sense of the responsibility that rested upon them, have calmly and dispassionately weighed the evidences before them, and decreed the death of some and banishment of others, who by their crimes

and villainies, had stained our fair land. With those that were banished this comparatively moderate punishment was chosen, not because ignominious death was not deserved, but that the error, if any, might surely be upon the side of mercy to the criminal. There are others scarely less guilty, against whom the same punishment has been decreed, but they have been allowed further time to arrange for their final departure, and with the hope that permission to depart voluntarily might induce repentance, and repentance amendment, they have been suffered to choose within ceatain limits their own time and method of going.

Thus far, and throughout their arduous duties, they have been, and will be guided by the most conscientious convictions of imperative duty; and they earnestly hope that in endeavoring to mete out merciful justice to the guilty, their counsels may be so guided by that Power before whose tribunal we shall all stand, that in the vicissitudes of after life, amid the calm reflections of old age and in the clear view of dying conscience, there may be found nothing we would regret or wish to change.

We have no friends to reward, no enemies to punish, no private ends to accomplish.

Our single, heartfelt aim is the public good; the purging, from our community, of those abandoned characters whose actions have been evil continually, and have finally forced upon us the efforts we are now making. We have no favoritism as a body, nor shall there be evinced, in any of our acts, either partiality for, or prejudice against any race, sect or party.

While thus far we have not discovered on the part of our constituents any indications of lack of confidence, and have no reason to doubt that the great majority of the inhabitants of the county endorse our acts, and desire us to continue the work of weeding out the irreclaimable characters from the community, we have, with deep regret, seen that some of the State authorities have felt it their duty to organize a force to resist us. It is not impossible for us to realize, that not only those who have sought place with a view to public plunder, but also those gentlemen who, in accepting offices to which they were honestly elected, have sworn to support the laws of the State of California, find it difficult to reconcile their supposed duties with acquiesence in the acts of the Committee of Vigilance, since they do not reflect that perhaps more than three-fourths of the people of the entire State sympathize with and endorse our efforts, and as that all law emanates from the people, so that, when the laws thus enacted are not executed, the power returns to the people, and is theirs whenever they may choose to exercise it. These gentlemen would not have

hesitated to acknowledge the self-evident truth, had the people chosen to make their present movement a complete revolution, recalled all the power they had delegated, and re-issued it to new agents, under new forms.

Now, because the people have not seen fit to resume *all* the powers they have confided to executive or legislative officers, it certainly does not follow that they cannot, in the exercise of their inherent sovereign power, withdraw from corrupt and unfaithful servants the authority they have used to thwart the ends of justice.

Those officers whose mistaken sense of duty leads them to array themselves against the determined action of the people, whose servants they have become, may be respected, while their errors may be regretted; but none can envy the future reflections of that man who, whether in the heat of malignant passion, or with the vain hope of preserving by violence a position obtained through fraud and bribery, seeks under the color of law to enlist the outcasts of society as a hireling soldiery in the service of the State, or urges criminals, by hopes of plunder, to continue at the cost of civil war, the reign of ballot-box stuffers, suborners of witnesses, and tamperers with the jury-box.

The Committee of Vigilance believe that the people have entrusted to them the duty of gathering evidence, and, after due trial, expelling from the community those ruffians and assassins who have so long outraged the peace and good order of society, violated the ballot-box, overridden law and thwarted justice. Beyond the duties incident to this, we do not desire to interfere with the details of government.

We have spared and shall spare no effort to avoid bloodshed or civil war; but undetered by threats or opposing organizations, shall continue peaceably if we can, forcibly if we must, this work of reform, to which we have pledged our lives, our fortunes and our sacred honor.

Our labors have been arduous, our deliberations have been cautious, our determinations firm, our counsels prudent, our motives pure; and while regretting the imperious necessity which called us into action, we are anxious that this necessity should exist no longer; and when our labors shall have been accomplished, when the community shall be freed from the evils it has so long endured; when we have insured to our citizens an honest and vigorous protection of their rights, then the Committee of Vigilance will find great pleasure in resigning their power into the hands of the people, from whom it was received.

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(Seal of the Committee.)